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NO. 59614-4-I

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COURT OF APPEALS, DIVISION I  
STATE OF WASHINGTON

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EMIRA RESULOVIĆ,

Appellant,

v.

DEPARTMENT OF LABOR & INDUSTRIES,

Respondent.

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APPELLANT'S CITATION OF ADDITIONAL AUTHORITY

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Attorney for Emira Resulović, Appellant

FILED  
COURT OF APPEALS DIV. I  
STATE OF WASHINGTON  
2007 NOV 13 AM 11:06

## **I. ADDITIONAL AUTHORITY**

Pursuant to RAP 10.8, Appellant hereby submits the following additional authority for the Court's consideration – **APPENDIX I**, the Position Paper of the Washington State Interpreters and Translators Society dated November 9, 2007.

This form was first received after filing of Appellant's Reply Brief. Had this authority been received earlier, it would have been included in earlier briefing.

## **II. ISSUES FOR WHICH THIS AUTHORITY IS OFFERED**

This additional authority is offered for Assignment of Error No. 4 identified on pages 1-2 of Ms. Resulović's brief as:

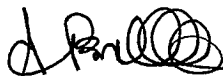
4. The Superior Court erred by affirming the limitations on the interpreter services provided at the Board and denial of reimbursement for Ms. Resulović's interpreter services.

This authority is also offered for Issues No. 15 & 16 stated on page 4 of Ms. Resulović's brief as:

16. Is an LEP injured worker entitled to communicate confidentially with counsel during Board appeals? [Error No. 4]

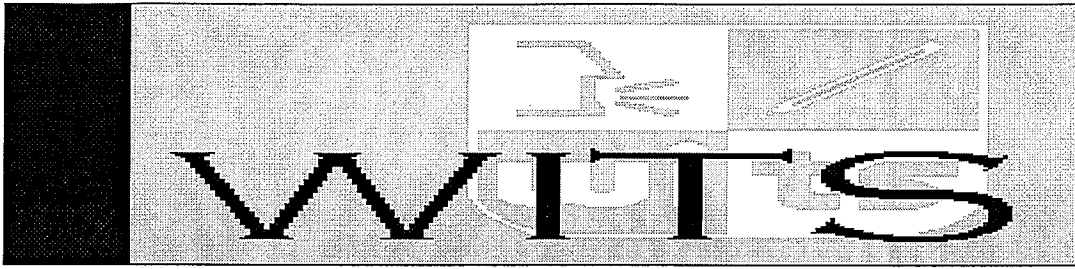
17. If the Board and Department communicate in English only with an LEP injured worker and do not provide interpreter services, is the LEP worker to be reimbursed for interpreter expenses? [Errors No. 3 & 4]

Respectfully submitted this 9<sup>th</sup> of November, 2007.



Ann Pearl Owen, WSBA #9033  
Attorney for Appellant Emira Resulović

## **APPENDIX I**



November 9, 2007

Washington State Interpreters and Translators Society  
PO Box 1012  
Seattle, WA 98111-1012

The WITS advocacy committee has been asked to provide its opinion concerning the following statement: "No attorney-client communications during a hearing may employ the assistance of an interpreter. An interpreter may only be used for witness statements."

Our position is that everything that is spoken in the hearing must be translated for the benefit of the client.

Response:

Any person appearing before the Court has the right to hear and understand all that is said. This is true in all Department of Justice venues: Federal Court, State Court, Municipal Court, Immigration and Customs matters, etc.

In criminal matters, the defendant must be able to hear and understand all that is said by the judge, prosecutor, defense attorney, probation officer, witnesses, police agents, or in fact anyone who speaks in Court. Likewise, this right exists each time the defendant and his/her attorney desire or need to communicate between each other. Interpretation in

these cases is provided during the session, on the record and also off the record during recesses or other times when pertinent. The interpreter is hired by the Court to provide interpretation services in the Courthouse while the case is ongoing.

In civil cases, interpretation is provided for all statements made by all present in favor of the non-English speaking participant, as is also the case in criminal matters.

Interpreters are hired by the Court to provide assistance in criminal and civil matters heard in a courtroom during the hours the Court is in session. Administrative hearings are no different. Therefore, as interpreters, we see no conflict of interest and no breach of ethics when an interpreter interprets between a non-English speaking person and his/her attorney. In fact, the interpreter is an officer of the Court; the interpreter is a neutral party, and must comply with the Interpreter Code of Ethics. On the other hand, if a non-English speaking person needs to communicate with his/her attorney during an in-Court proceeding and is not provided with interpretation, this lack may result in a loss of his/her civil rights.

Sincerely,

WITS Advocacy Committee

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COURT OF APPEALS DIV. 1  
STATE OF WASHINGTON  
2007 NOV 13 AM 11:07

NO. 59614-4-I

COURT OF APPEALS FOR DIVISION I  
STATE OF WASHINGTON

EMIRA RESULOVIC,	)	
	)	CERTIFICATE OF SERVICE
Appellant,	)	OF APPELLANT'S CITATION
	)	OF ADDITIONAL AUTHORITY
v.	)	
	)	
DEPARTMENT OF LABOR	)	
AND INDUSTRIES,	)	
	)	
Respondent.	)	
_____	)	

ANN PEARL OWEN declares under penalty of perjury under the laws of the State of Washington that the following is true and correct.

1. Today the undersigned mailed a copy of the Appellant's Citation of Additional Authority and this Certificate of Service with proper postage and address affixed to:

Masako Kanazawa & John R. Wasberg, AAGs  
Office of the Attorney General of Washington  
800 Fifth Avenue #2000  
Seattle, WA 98104-3188

2. Today the undersigned mailed the original and one copy of the Appellant's Citation of Additional Authority and the Declaration of

Counsel in Support, and this Certificate of Service with proper postage  
and address affixed to:

Court of Appeals, Division I  
One Union Square  
600 University Street  
Seattle, WA 98101

Signed at Seattle, Washington this 9<sup>th</sup> of November 2007.

A handwritten signature in black ink, appearing to read 'Ann Pearl Owen', written over a horizontal line.

Ann Pearl Owen, WSBA 9033